## REMARKS

Upon entry of the present amendment, claims 28-30 and 36-39 will have been amended. Claims 31 and 32 will have been canceled without prejudice or disclaimer of the subject matter. The amendments to the claims and cancellation of claims 31 and 32 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, Applicants have amended and canceled claims in order to advance prosecution and obtain early allowance of the claims in the present application.

In view of the herein contained amendment and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the Official Action, together with an indication of the allowability of all of the claims pending in the present application. Such action is now believed to be appropriate and proper and is thus respectfully requested, in due course.

In the outstanding Official Action, the Examiner rejected claims 35-37 and 39 under 35 U.S.C. §101, asserting that the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserted that the content playback control terminal, as recited in claim 39, can be composed entirely of software, according to the description in the specification. The Examiner suggested including a physical component, such as a CPU or a memory.

By the present response, independent claim 39 has been amended to clarify that the claimed invention includes a memory. Therefore, it is clear that the subject matter of claims 35-37 and 39 is not a program itself, and the claimed invention is not directed to non-statutory subject matter.

For at least the reasons described above, the rejection of the aforementioned claims under U.S.C. §101 should be withdrawn.

In the outstanding Official Action, the Examiner rejected claims 27-32 and 35-39 under 35 U.S.C. §102(e) as being anticipated by Nishimoto et al. (US 2004/0093494). Applicants respectfully disagree and thus traverse.

Applicant's invention is directed to a content playback control method and a content playback control terminal, as recited in each of independent claims 38 and 39. Utilizing the content playback control terminal recited in amended claim 38 as a non-limiting example of features and aspects of the invention disclosed in the present application, the present application relates to a content playback control method including, inter alia, storing in a memory, information describing special sections subject to a restriction of a special playback of content and at least one playback mode permitted in each of the special sections, and, when the special sections include a point at which an instructed special playback is performed, determining possibility or impossibility of performing an instructed special playback for decoded content based on whether the at least one playback mode in the information stored in the memory includes a playback mode of the instructed special playback.

The combination of features of the present invention, as recited in claim 38, provides an advantage of enabling a content provider to control a user that views content in special sections, such as CM (commercial), by restricting performing of each playback mode special playback, including skipping and fast-forwarding. (Note, e.g., paragraph [0010] of the U.S. Patent Application Publication of the present application.)

Support for the amendments herein may be found in paragraphs [0054]-[0057], [0062]-[0063], and [0072]-[0077] of the U.S. Patent Application Publication of the present application.

The Examiner indicated that Nishimoto et al. at paragraph [0112] discloses "determining, when the special sections include the point at which the special playback is performed, the

possibility/impossibility of the special playback for the decoded content," as recited in claim 38 before amendment. (See the Office Action, page 6, lines 1-3.)

However, as discussed further below, the method of restricting a special playback according to the combination of features as recited in amended claim 38, is totally different from the disclosure of Nishimoto et al.

Nishimoto et al. discloses, in paragraphs [0109]-[0112], when a watching control flag is "on," skipping of a scene, such as a CM, is prevented by preventing the scene (which might correspond to a "special section" of the present invention) from being descrambled and played, if the scene is being played back not in the order defined by a play-sequence number. More specifically, an original play-sequence number is stored in the memory unit N. If a play-sequence number of a current scene is neither smaller than nor equal to the play-sequence number stored in the memory unit N plus 1, an error handling process is performed.

In contrast, according to the features of the present invention, information describing a playback mode, such as skipping or fast-forwarding, permitted in special sections is stored in the memory, and possibility or impossibility of performing the instructed special playback is determined based on whether the playback mode stored in the memory includes the playback mode of the instructed special playback. In other words, a playback mode stored in the memory is compared with the playback mode of the instructed special playback, to determine whether the instructed special playback is performed.

Nishimoto et al. fails to disclose the combination of these features. More specifically, as described above, Nishimoto et al. discloses that the memory stores at most the original play-sequence number, but does not disclose that the memory stores information describing at least one playback mode. Moreover, without storing the playback mode in the memory, Nishimoto et

al. would not compare the playback mode of an instructed special playback with the at least one playback mode included in the information stored in the memory. Nishimoto et al. compares, at most, the stored play-sequence number with the current play-sequence number.

Additionally, Nishimoto et al. discloses only "skipping" as a playback mode (special playback) and fails to disclose other playback mode of the special playback, such as "fast-forwarding" (see, e.g., dependent claims 27 and 35), and how to restrict the performance of such a playback mode (special playback) other than "skipping."

Thus, "fast-forwarding" cannot be restricted in a specific scene, i.e., special section, by the disclosure of Nishomoto et al.

Furthermore, according to Nishimoto et al., possibility/impossibility of a special playback cannot be determined in such a matter that, for example, "fast-forwarding" is permitted but "skipping" is not permitted, because the determination is not performed in accordance with playback modes, as recited in claim 38.

Accordingly, Applicants submit that Nishimoto et al. neither disclose nor suggest the combination of features as recited in each of the Applicants' independent claims (i.e., claims 38 and 39), and the Examiner's rejections of these independent claims under 35 U.S.C. §102(e) are improper.

The dependent claims in the present application are respectfully submitted to be patentable over the reference relied upon based upon their dependence from a shown to be allowable base claim, as well as based upon their own additional recitations.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection, together with an indication of the allowability of the claims pending in the present application, in due course.

## SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have amended the claims to clarify the feature of the invention and to emphasize distinctions between the present invention and the disclosure of the reference relied upon by the Examiner.

Applicants have additionally discussed the disclosure of the cited reference and pointed out the shortcomings thereof. Further, Applicants have, with respect to the explicit recitations of the pending claims, pointed out clear deficiencies in the reference applied thereagainst. Accordingly, Applicants have provided a clear and convincing evidentiary basis supporting the patentability of all of the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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April 9, 2010
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